

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—
GENERAL

Case No. 2:23-cv-01043-JWH-KES

Date November 7, 2023

Title *Entropic Communications, LLC v. DISH Network Corporation, et al.*

Present: The Honorable JOHN W. HOLCOMB, UNITED STATES DISTRICT JUDGE

Clarissa Lara

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff:

Attorney(s) Present for Defendants:

None Present

None Present

Proceedings: ORDER CLARIFYING EFFECT OF CONSOLIDATION [ECF No. 129]; DENYING DEFENDANT’S MOTION TO DISMISS [ECF No. 132]; AND REQUIRING ADHERENCE TO STANDING ORDER RE PLAINTIFFS’ FIRST AMENDED COMPLAINT [ECF No. 135] (IN CHAMBERS)

This case is the lead of four consolidated cases.¹ On September 27, 2023, DIRECTV, LLC and AT&T Services, Inc. (jointly, “DIRECTV”)—Defendants in one of the three member cases, *Entropic Communications, LLC v. DIRECTV, LLC*, No. 2:23-cv-05253-JWH-KES (the “5253 Member Case”)—moved to dismiss the original Complaint in that case.² While DIRECTV’s Motion to Dismiss was pending in the 5253 Member Case, all parties to all cases stipulated to

¹ See generally Order Granting Joint Stipulation to Consolidate Cases (the “Consolidation Order”) [ECF No. 129].

² See generally Defs.’ Rule 12(b)(6) Mot. to Dismiss Under 35 U.S.C. § 101 [ECF No. 45] in the 5253 Member Case.

consolidation,³ and the Court ordered the cases consolidated.⁴ Pursuant to the Court's order in the 5253 Member Case,⁵ DIRECTV refiled its Motion to Dismiss in this case on October 18, 2023.⁶ The same day, Entropic filed its First Amended Complaint *against the DIRECTV Defendants*, per its right under Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure.⁷ The First Amended Complaint is now the operative Complaint against the DIRECTV Defendants. But Entropic's original Complaint, filed on February 10, 2023,⁸ remains the operative pleading against the DISH Defendants, who filed their Motion to Dismiss on May 8, 2023.⁹ *See Hall v. Hall*, 138 S. Ct. 1118, 1121 (2018) (confirming that "consolidation d[oes] not result in the merger of constituent cases").

Because the original Complaint against which DIRECTV filed its Motion to Dismiss is no longer the operative pleading in that case, the Court **DENIES** DIRECTV's Motion **without prejudice as moot**.

The Court also reminds all parties of its Standing Order and **DIRECTS** Entropic to refile its First Amended Complaint pursuant to the Standing Order's requirement of "a redlined copy that compares the[] amended pleading with the[] previous pleading."¹⁰ The hearing on the Motion to Dismiss set for November 17, 2023, is **VACATED**.

IT IS SO ORDERED.

³ See generally Joint Stipulation to Consolidate Cases as to 2:23-cv-01043-JWH-KES, 2:23-cv-01047-JWH-KES, 2:23-cv-01048-JWH-KES, 2:23-cv-05253-JWH-KES [ECF No. 128].

⁴ See generally Consolidation Order.

⁵ See Order Regarding Post-Consolidation Matter [ECF No. 50] in the 5253 Member Case.

⁶ See generally Defs.' Rule 12(b)(6) Mot. to Dismiss Under 35 U.S.C. § 101 (the "Motion to Dismiss") [ECF No. 132].

⁷ See generally First Am. Compl. for Patent Infringement (the "First Amended Complaint") [ECF No. 135].

⁸ See generally Original Compl. for Patent Infringement (the "Original Complaint") [ECF No. 1].

⁹ See generally Mot. to Dismiss for Improper Venue Under Rule 12(b)(3) [ECF No. 49].

¹⁰ Standing Order [ECF No. 13] 5:15-16.